

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

ERNESTO URIBE

Petitioner,

vs.

ELDON VAIL and JEFFREY A.  
UTTECHT,

Respondents.

NO. CV-11-5055-JLQ

ORDER TO DISMISS ACTION

By Order filed March 30, 2011, the court advised Mr. Uribe, a prisoner at the Coyote Ridge Corrections Center, of the deficiencies of his *pro se* habeas petition filed pursuant to 28 U.S.C. § 2241. Petitioner is proceeding *in forma pauperis*; Respondents have not been served.

Specifically, the court directed Mr. Uribe to present his petition on the appropriate § 2254 form, as 28 U.S.C. § 2254 is the exclusive vehicle for a habeas petition by a state prisoner in custody pursuant to a state court judgment. *White v. Lambert*, 370 F.3d 1002, 1009-10 (9th Cir. 2004). The court cautioned Petitioner that failure to amend would result in denial of the petition. Mr. Uribe did not comply and has filed nothing further in this action.

Accordingly, for the reasons set forth above and in the court's previous Order (ECF No. 5) **IT IS ORDERED** the Petition shall be **DISMISSED without prejudice**.

**IT IS SO ORDERED.** The District Court Executive is directed to enter this  
ORDER TO DISMISS ACTION -- 1

1 Order, enter judgment of dismissal of the Petition without prejudice, forward a copy to  
2 Petitioner, and close the file. The court further certifies that pursuant to 28 U.S.C. §  
3 1915(a)(3), an appeal from this decision could not be taken in good faith, and there is no  
4 basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R.App.  
5 P. 22(b).

6 **DATED** this 8<sup>th</sup> day of June 2011.

7 s/ Justin L. Quackenbush  
8 JUSTIN L. QUACKENBUSH  
9 SENIOR UNITED STATES DISTRICT JUDGE

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11 JUSTIN L. QUACKENBUSH  
12 SENIOR UNITED STATES DISTRICT JUDGE  
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